

1 RENE L. VALLADARES
2 Federal Public Defender
Nevada State Bar No. 11479
2 JOY CHEN
3 Assistant Federal Public Defender
4 411 E. Bonneville, Ste. 250
Las Vegas, Nevada 89101
(702) 388-6577/Phone
(702) 388-6261/Fax
5 Joy_Chen@fd.org

6 Attorney for Mitchell Jenkins
7

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 MITCHELL JENKINS,
14 Defendant.

Case No. 2:24-cv-00346-JCM-EJY

**Stipulation to Extend Time to File
Opening Brief and Answering Brief
(Third Request)**

16 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
17 United States Attorney, and Robert L. Ellman, Assistant United States Attorney, counsel for
18 the United States of America, and Rene L. Valladares, Federal Public Defender, and Joy Chen,
19 Assistant Federal Public Defender, counsel for Mitchell Jenkins, request that the due date for
20 Mr. Jenkins' opening brief (ECF No. 7), be extended thirty (30) days; and that the due date for
21 the government's answering brief be extended thirty (30) days.
22

23 This Stipulation is entered into for the following reasons:
24

- 25 1. Defense counsel received transcripts in this matter on March 21, 2024.
- 26 2. This case involves an appeal from a bench trial in which Mr. Jenkins was found guilty of one count of resisting arrest, 43 C.F.R. 8365.1-4(a)(4). The parties disagreed

1 about the proper interpretation of the regulation, for which there is little governing caselaw,
2 and the sufficiency of the evidence presented at trial.

3 3. Given the relative complexity of this appeal and recent receipt of transcripts,
4 defense counsel requires additional time to review the record, research the issues, and prepare
5 the opening brief.

6 4. The defendant is out of custody and does not oppose the continuance.

7 This is the third request for a continuance filed herein.

8 DATED this 23rd day of April 2024.

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10 RENE L. VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

12 By /s/ Joy Chen
13 JOY CHEN
14 Assistant Federal Public Defender

15 By /s/ Robert L. Ellman
16 ROBERT L. ELLMAN
17 Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
MITCHELL JENKINS,
Defendant.

Case No. 2:24-cv-00346-JCM-EJY
ORDER

IT IS THEREFORE ORDERED that upon consideration of Defendant's Request to Extend Time to File Opening Brief and Answering Brief, that the Defendant's deadline to file his opening brief is extended to **May 31, 2024**; and that the Government's deadline to file its answering brief is extended to **June 30, 2024**.

DATED April 23, 2024.

James C. Mahan
UNITED STATES DISTRICT JUDGE